

## COUNTRY PROFILE

### 1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION<sup>1</sup>

#### RECEIVING STATE

**COUNTRY NAME:** CANADA - Province of Ontario

**PROFILE UPDATED ON:** July 2021

#### PART I: CENTRAL AUTHORITY

1. Contact details <sup>2</sup>	
Name of office:	Private and International Adoption Unit Ministry of Children, Community and Social Services
Acronyms used:	
Address:	101 Bloor Street West, 6th Floor, Toronto, Ontario, M5S 2Z7
Telephone:	+1 416-327-4736
Fax:	+1 416-212-6799
E-mail:	Rory.Gleeson@Ontario.ca
Website:	<a href="https://www.ontario.ca/page/adoption">https://www.ontario.ca/page/adoption</a>
Contact person(s) and direct contact details (please indicate language(s) of communication):	Mr. Rory Gleeson (English)
<p><i>If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.</i></p> <p>Canada is a federal State made up of 10 provinces and 3 territories. A federal Central Authority and a Central Authority for each of the territorial units have been designated. The contact information for all Canadian Central Authorities appears in Part 1 of Canada's main Country Profile. The contact information for the Central Authority for the province of Ontario and specific information on the operation of the Convention in this province appear in this Annex.</p>	

<sup>1</sup> Full title: the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (referred to as the "1993 Hague Intercountry Adoption Convention" or the "1993 Convention" in this Country Profile). Please note that any reference to "Articles" (or Art. / Arts for short) in this Country Profile refers to Articles of the 1993 Hague Intercountry Adoption Convention.

<sup>2</sup> Please verify whether the contact details on the Hague Conference website < [www.hcch.net](http://www.hcch.net) > under "Intercountry Adoption Section" then "Central Authorities" are up to date. If not, please e-mail the updated contact information to < [secretariat@hcch.net](mailto:secretariat@hcch.net) >.

## PART II: RELEVANT LEGISLATION

<b>2. The 1993 Hague Intercountry Adoption Convention and domestic legislation</b>	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the <a href="#">Status Table</a> for the 1993 Hague Intercountry Adoption Convention (accessible via the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i></p>	<p>See Canada's main Country Profile.</p>
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>Intercountry Adoption Act (1998)  <a href="https://www.ontario.ca/laws/statute/98i29">https://www.ontario.ca/laws/statute/98i29</a>            Regulation under Intercountry Adoption Act (1998)  <a href="https://www.ontario.ca/laws/regulation/990200">https://www.ontario.ca/laws/regulation/990200</a></p>

<b>3. Other international agreements on intercountry adoption<sup>3</sup></b>	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input type="checkbox"/> Bilateral agreements (please specify):</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>

## PART III: THE ROLE OF AUTHORITIES AND BODIES

<b>4. Central Authority(ies)</b>	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>The Private and International Adoption Unit of the Ministry of Children, Community and Social Services performs the following functions, as the Ontario Central Authority (OCA), with respect to intercountry adoptions finalized in other countries:</p>

<sup>3</sup> See Art. 39(2) which states: "Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention" (emphasis added).

	<ul style="list-style-type: none"><li>- annually reviews, approves, or refuses requests from agencies for a licence to facilitate intercountry adoptions on behalf of residents of Ontario;</li><li>- annually reviews, approves, or refuses requests for approval from adoption practitioners to conduct homestudy assessments on behalf of residents of Ontario;</li><li>- provides consultation and training to licensed intercountry adoption agencies and approved adoption practitioners regarding best practices to support intercountry adoption;</li><li>- reviews homestudy assessments for intercountry adoptions and determines whether to approve prospective adoptive parents as eligible and suitable to adopt;</li><li>- reviews, approves, or refuses to approve proposed adoption placements;</li><li>- provides responsive letters to Immigration, Refugees and Citizenship Canada in response to applications for immigration filed on behalf of the adoptive child or children;</li><li>- cooperates with appropriate authorities in sending countries, the Government of Canada, the governments of other provinces and territories to address intercountry adoption cases or issues.</li></ul>
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## 5. Public and competent authorities

Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.

*See Arts 4, 5, 8, 9, 12, 22, 23 and 30.*

### Children's Aid Societies

Children's Aid Societies (CAS) in Ontario are child welfare agencies responsible for child protection, including providing public adoption services for Ontario children in extended society care or for Ontario children relinquished to a CAS for adoption.

CAS are mainly involved in facilitating domestic adoptions of Ontario children in extended society care. However, CAS may play a role in intercountry adoptions of children in the following types of circumstances:

- A children's aid society determines it is in the best interest of an Ontario child in extended society care to place that child for adoption with an individual (usually a relative) living in another country.

- A children's aid society is contacted by a child welfare organization in another country and agrees to assist the organization who wishes to place a child in its care for adoption with an individual (usually a relative) residing in Ontario.

### Ontario Courts

If the child's country of origin requires that the adoption be finalized in the receiving State, then an application to adopt must be considered for final approval by an Ontario court who may issue an adoption order.

Ontario courts are responsible for considering and determining a number of other matters, including but not limited to custody, visitation, guardianship and care of children.

## 6. National accredited bodies<sup>4</sup>

a) Has your State accredited its own adoption bodies?

*See Arts 10-11.*

**N.B.** the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).<sup>5</sup>

Yes

No – **go to Question 8**

<sup>4</sup> "National accredited bodies" in this Country Profile means adoption bodies based within your State (receiving State) which have been accredited under the 1993 Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (hereinafter "GGP No 2"), available on the [Intercountry Adoption Section](#) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) > at Chapters 3.1 *et seq.*

<sup>5</sup> See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).

<p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.<sup>6</sup></p>	<p>There are 11 adoption agencies in Ontario that are licensed to facilitate intercountry adoptions.</p> <p>There are no legislative limits to the number of adoption agencies that may be licensed to facilitate intercountry adoptions in Ontario at any given time.</p>
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	<p>The responsibilities of licensed adoption agencies include the following:</p> <ul style="list-style-type: none"> <li>- receiving an application from prospective adoptive parents interested in intercountry adoption from a specific country;</li> <li>- submitting all required documentation to the OCA for consideration of approval of the prospective adoptive parents to adopt including: the homestudy assessment, criminal and child welfare clearances, reference letters, medical reports, etc.;</li> <li>- ensuring that steps to facilitate an intercountry adoption are not taken unless the applicants have been approved by the OCA to adopt and that the licensee has valid accreditation from the sending country to facilitate the adoption;</li> <li>- receiving a child proposal from the sending country and sharing the proposal with an adoption practitioner to be reviewed and considered by the approved applicant or applicants;</li> <li>- submitting the applicant's consent or refusal of the child proposal to the OCA for consideration and approval and, upon approval, providing the consent or refusal to the sending country;</li> <li>- submitting post-adoption reports completed by an approved adoption practitioner following the child's placement in the adoptive home to the sending state, if required;</li> <li>- ensures the prospective adoptive parents are aware of and receive guidance in order to take all necessary steps to obtain permission for the child to leave his or her State of origin and to enter and reside permanently in Canada;</li> <li>- ensures that the child is escorted from the State of origin to Ontario by the adoptive parents or in the company of an authorized escort.</li> </ul>
<p><b>6.1 The accreditation procedure (Arts 10-11)</b></p>	
<p>a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?</p>	<p>The Private and International Adoption Unit of the Ministry of Children, Community and Social Services is Ontario's Central Authority for intercountry adoptions and is exclusively responsible for licensing (accrediting) adoption agencies.</p>

<sup>6</sup> See GGP No 2, *supra*, note 4, Chapter 3.4.

<p>b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i>.</p>	<p>An adoption agency applying for a licence to facilitate intercountry adoptions in Ontario must complete and submit an application form to the OCA, be responsive to further questions and requests for additional information that may arise after the application has been submitted, be available for an inspection of the agency's business premises, etc.</p> <p>The most important accreditation criteria are:</p> <ul style="list-style-type: none"> <li>- demonstration of competency to facilitate intercountry adoptions in compliance with: Ontario's requirements for intercountry adoption, requirements of each foreign jurisdiction from which the licensee seeks to facilitate intercountry adoptions, Canadian immigration requirements relevant to intercountry adoption, and Convention requirements;</li> <li>- evidence of the agency's expertise and capacity to provide ethical, accurate and consistent service to residents of Ontario interested in completing intercountry adoptions;</li> <li>- detailed information evidencing the agency's expert understanding and knowledge of the intercountry adoption process required in each State of origin from which the agency seeks to facilitate intercountry adoptions;</li> <li>- documents identifying and confirming the suitability of agency staff and foreign representatives to assist in the facilitation of intercountry adoptions, such as proof of educational credentials, criminal and child welfare clearances, resume, professional experience, etc.;</li> <li>- proof of not-for-profit status;</li> <li>- proof of accreditation of the foreign orphanages from which the agencies hope to secure child proposals;</li> <li>- proof of authorization issued by the central authority in a foreign jurisdiction;</li> <li>- the agency's collaboration agreement with its foreign representatives detailing their roles and responsibilities and outlining applicable foreign fees and services.</li> </ul>
<p>c) For how long is accreditation granted in your State?</p>	<p>Up to one year term</p>
<p>d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i>.</p>	<p>Please refer to the response to question 6.1 b). In addition, when making a licence renewal decision, the OCA also considers whether the applicant:</p> <ul style="list-style-type: none"> <li>- has demonstrated sound management and adoption facilitation skills throughout the previous year of accreditation;</li> <li>- has demonstrated good judgment and ethical decision making regarding intercountry adoptions;</li> </ul>

	<ul style="list-style-type: none"> <li>- has had prior incidents of misconduct, negligence or poor practice and, if so, whether the agency has been able to improve, correct, and put into effect proper and appropriate safeguards to the satisfaction of the OCA that ensure that previous errors will not be repeated;</li> <li>- has valid authorization issued by the State of origin.</li> </ul>
<b>6.2 Monitoring of national accredited bodies<sup>7</sup></b>	
<p>a) Which authority is competent to monitor / supervise national accredited bodies in your State?</p> <p><i>See Art. 11 c).</i></p>	<p>The OCA has exclusive responsibility to monitor/supervise licensed intercountry adoption agencies in Ontario.</p>
<p>b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i>, if inspections are undertaken, how frequently).</p>	<p>Licensed agencies are monitored by the OCA through review and consideration of applications for initial approval or renewal, investigation of complaints, and follow up by the OCA if irregular or improper processes are noted upon review of any aspect of the intercountry adoption process.</p> <p>Monitoring may include inspections and is an on-going and fluid process.</p> <p>Monitoring may include:</p> <ul style="list-style-type: none"> <li>- submission of current and past case load summaries and further case details upon request;</li> <li>- on-going requirements for the licensee to provide updates regarding staffing, financial status, and/or adoption programs;</li> <li>- submission of an annual financial report completed by an authorized accountant detailing the licensee's financial status;</li> <li>- submission of evidence of the suitability of agency staff, directors, members of the board and foreign representatives such as: resume, police clearances, education credentials, etc.;</li> <li>- inspection of licensee's premises and/or records.</li> </ul>
<p>c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	<p>The OCA may consider revocation of a licence where the licensee lacks competency to facilitate intercountry adoptions in compliance with all legislative and other adoption requirements and/or processes.</p> <p>Questions concerning a licensee's competency may arise where:</p> <ul style="list-style-type: none"> <li>- the licensee has contravened or has knowingly permitted a person under its control to contravene Ontario's statutory and policy requirements for intercountry adoption;</li> </ul>

<sup>7</sup> See GGP No 2, *supra*, note 4, Chapter 7.4.

	<ul style="list-style-type: none"> <li>- an adoption was facilitated in a manner that could be prejudicial to the health, safety or welfare of children;</li> <li>- the licensee has misrepresented, withheld or provided inaccurate information regarding an intercountry adoption.</li> </ul>
d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<input checked="" type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of accreditation): <ul style="list-style-type: none"> <li>- issuance of a licence with restrictions</li> <li>- revocation of a licence</li> <li>- possible fine/imprisonment</li> </ul> <input type="checkbox"/> No

## 7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)<sup>8</sup>

### 7.1 The authorisation procedure

a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?	The Private and International Adoption Unit of the Ministry of Children, Community and Social Services is Ontario's Central Authority for intercountry adoptions which is exclusively responsible for the authorisation of licensed (accredited) adoption agencies to work with, or in, other Contracting States.
b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?	<input checked="" type="checkbox"/> Authorisation is granted as part of the accreditation procedure. <input type="checkbox"/> A separate procedure is undertaken for authorisation.
c) Is authorisation granted to national accredited bodies to work in <i>all</i> States of origin or must national accredited bodies apply for authorisation to work in specific, pre-identified State(s) of origin?	<input type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin. <input checked="" type="checkbox"/> Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin.
d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . <sup>9</sup>  If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.  Please also explain whether your State has any criteria concerning how the national accredited body must establish itself in the State(s) of origin or whether this is left entirely to the requirements of the State of origin (e.g., requirements that the body must have a local representative in the State of origin, or must establish a local office).	An adoption agency applying for authorization to facilitate intercountry adoptions from a specific foreign jurisdiction must provide the following: <ul style="list-style-type: none"> <li>- copies of the adoption laws of the State of origin and the agency's understanding of those laws;</li> <li>- step-by-step process of adoption complying with the adoption laws of the State of origin, the adoption laws of Ontario and with the Hague Convention;</li> <li>- description of the characteristics of children available for intercountry adoption in the State of origin;</li> <li>- template of the service agreement and fee schedules concerning adoptions from the State of origin;</li> </ul>

<sup>8</sup> In relation to authorisation of accredited bodies, see further GGP No 2, *supra*, note 4, Chapter 4.2.

<sup>9</sup> In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4.



	<ul style="list-style-type: none"> <li>- where applicable, a collaboration agreement with a representative on the ground/attorney describing his/her services and obligations as well as fees for services that will be provided in the State of origin;</li> <li>- valid authorization to process intercountry adoptions issued by the State of origin. The OCA trusts the decision of the State of origin to authorize Ontario agencies.</li> </ul>
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e) For how long is authorisation granted?	Up to one year
f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	Please refer to the responses to questions 6.1 b) and d).

## 7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States

a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff <sup>10</sup> in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i> .	<p>Please refer to the response to question 6.2 b).</p> <p>In addition, the licensee must submit to the OCA:</p> <ul style="list-style-type: none"> <li>- a collaboration agreement with their foreign representative outlining the roles and responsibilities and applicable fees for services;</li> <li>- the OCA will review information provided through International Social Services, the Canadian Federal Central Authority, and other reliable sources which may indicate or clarify whether concerns/issues have been identified in a State of origin regarding foreign representatives;</li> <li>- proof of authorization by the State of origin for the licensee to act in that country to facilitate intercountry adoptions of children from that country.</li> </ul>
b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked ( <i>i.e.</i> , withdrawn).	Please refer to the response to question 6.2 c).

## 8. Approved (non-accredited) persons (Art. 22(2))<sup>11</sup>

<p>Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?</p> <p><b>N.B.</b> see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the <a href="#">Status Table</a> for the 1993 Convention, available on the</p>	<p><input type="checkbox"/> Yes, our State has made a declaration under Article 22(2) and the involvement of approved (non-accredited) persons is possible. Please specify their role:</p> <p><input checked="" type="checkbox"/> No</p>
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<sup>10</sup> For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, see the GGP No 2, *supra*, note 4, Chapters 6.3 and 6.4.

<sup>11</sup> See GGP No 2, *supra*, note 4, Chapter 13.

<p><a href="#">Intercountry Adoption Section</a> of the Hague Conference website.</p> <p>If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).<sup>12</sup></p>	
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## PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

### 9. The adoptability of a child (Art. 4 a))

<p>Does your State have its own criteria concerning the adoptability of a child (e.g., maximum age) which must be applied <i>in addition to</i> the requirements of the State of origin?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: The OCA is involved in adoptions of children under the age of 18. It may also consider factors such as birth order, spacing between adoption placements, and spacing between the ages of children in the home. However, these are factors for consideration only and may not be strictly applied.</p> <p><input type="checkbox"/> No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.</p>
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### 10. The best interests of the child and subsidiarity (Art. 4 b))

<p>Does your State request information / evidence from the State of origin to satisfy itself that the State of origin has respected the principle of subsidiarity (i.e., proof that family reunification was attempted, or that the possibility of in-country permanent family placements has been explored)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: Ontario requires a statement from the Central Authority of the State of origin that the child is available for intercountry adoption. Ontario does not require specific evidence from the State origin regarding its compliance with the principle of subsidiarity.</p> <p><input type="checkbox"/> No</p>
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### 11. Children with special needs

<p>Does your State have its own definition of the term “special needs children” which is applied in intercountry adoption cases?</p>	<p><input type="checkbox"/> Yes – please provide the definition used in your State:</p> <p><input checked="" type="checkbox"/> No – the definition used in the State(s) of origin is determinative.</p>
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### 12. The nationality of children who are adopted intercountry<sup>13</sup>

<p>Do children who are adopted intercountry to your State acquire the nationality of your State?</p>	<p><input type="checkbox"/> Yes, always. Please specify:</p> <p>(i) At what stage nationality is acquired by the child:                   ; and</p> <p>(ii) The procedure which must be undertaken (or whether acquisition of nationality is <i>automatic</i> upon the occurrence of a particular event, e.g.,</p>
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<sup>12</sup> See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

<sup>13</sup> Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (hereinafter, “GGP No 1”), available on the [Intercountry Adoption Section](#) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) >, at Chapter 8.4.5.

	<p>the making of the final adoption decision):</p> <p><input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration (e.g., the nationality of the prospective adoptive parents (“PAPs”), whether the child loses his / her nationality of the State of origin): See Canada's main Country Profile.</p> <p><input type="checkbox"/> No, the child will never acquire this nationality.</p>
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## PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

<b>13. Limits on the acceptance of files</b>	
a) Does your State place any limit on the total number of applications for intercountry adoption which are accepted at any one time?	<p><input checked="" type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: The OCA may limit the total number of adoption applications for a new adoption program, for a one year period, for monitoring and assessment purposes.</p> <p><input type="checkbox"/> No</p>
b) Does your State allow PAPs to apply to adopt from more than one State of origin at the same time?	<p><input type="checkbox"/> Yes, please specify whether any limits are applied:</p> <p><input checked="" type="checkbox"/> No – PAPs may only apply to adopt from one State of origin at any one time.</p>

<b>14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption<sup>14</sup> (Art. 5 a))</b>	
<b>14.1 Eligibility criteria</b>	
<p>a) Do PAPs wishing to undertake an intercountry adoption have to fulfil any criteria in your State concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<p><input type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:</p> <p><input type="checkbox"/> Married, heterosexual couples:</p> <p><input type="checkbox"/> Married, same-sex couples:</p> <p><input type="checkbox"/> Heterosexual couples in a legally registered partnership:</p> <p><input type="checkbox"/> Same-sex couples in a legally registered partnership:</p> <p><input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship:</p> <p><input type="checkbox"/> Same-sex couples that have not legally formalised their relationship:</p> <p><input type="checkbox"/> Single men:</p> <p><input type="checkbox"/> Single women:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No, there are no relationship status criteria for PAPs.</p>

<sup>14</sup> I.e., this section refers to the eligibility criteria applied, and suitability assessment undertaken, in relation to PAPs who are habitually resident in your State and who wish to adopt a child who is habitually resident in another Contracting State to the 1993 Convention: see further Art. 2 of the 1993 Convention.

<p>b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?</p>	<p><input type="checkbox"/> Yes, please specify:</p> <p><input type="checkbox"/> Minimum age requirements:</p> <p><input type="checkbox"/> Maximum age requirements:</p> <p><input type="checkbox"/> Difference in years required between the PAPs and the child:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input checked="" type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): Factors such as birth order, spacing between adoption placements, and spacing between the ages of children in the home are considered. However, these are factors for consideration only and may not be strictly applied.</p> <p><input checked="" type="checkbox"/> Other (please specify): Factors affecting eligibility to adopt include: the applicant's health, financial capacity to provide permanent care for a child or children, ability to provide a separate bedroom/appropriate sleeping area for the child, appropriate guardianship plan in case of emergency, and completion of a required adoptive parent training course.</p> <p><input type="checkbox"/> No</p>
<p><b>14.2 Suitability assessment<sup>15</sup></b></p>	
<p>a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?</p>	<p>Homestudy assessments are completed by adoption practitioners who are approved to conduct assessments for the purpose of intercountry adoption by the OCA.</p>
<p>b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.</p>	<p>Ontario employs the Structured Analysis Family Evaluation (SAFE) homestudy assessment model. The assessment process involves a series of interviews of the applicants by the adoption practitioner taken over a period of several months, some of which will take place in the applicants' home.</p> <p>During the assessment process, the applicants are required to: complete an adoptive parent training course, complete various questionnaires, provide details regarding their life story including any difficult times in their lives, and provide supporting documentation, such as criminal and child welfare clearances,</p>

<sup>15</sup> This suitability assessment will usually form one part of the report on the PAPs (Art. 15): as to which, see GGP No 1, *supra*, note 13, Chapter 7.4.3 and Question 17 below.

	<p>foreign police clearances where the applicant has lived abroad for more than 6 months, medical references identifying the health of the applicants, and reference letters from family and friends describing the applicants suitability to parent.</p> <p>The adoption practitioner will complete a home safety check to ensure that the home of the applicants is suitable and safe for children.</p> <p>The adoption practitioner must assess all clinical adoption issues that may apply and specifically assess the age, health, sex and other characteristics of the child or children which the applicants are best suited to adopt/parent.</p> <p>The adoption practitioner must consider and mitigate all pertinent issues prior to making a recommendation stating the applicants are suitable adopt.</p> <p>Finally, the adoption practitioner must prepare a homestudy assessment report which outlines in detail whether, in her or his professional opinion, the applicants are suitable to adopt and why.</p>
<b>14.3 Final approval</b>	
<p>Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?</p>	<p>The Director of the OCA is responsible for final determination of the applicants' suitability to adopt after reviewing and considering the information contained in the homestudy assessment and its supporting documents.</p>

### 15. Preparation and counselling of PAPs (Art. 5 b))

<p>a) In your State, are courses provided to prepare PAPs for intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify the following:</p> <ul style="list-style-type: none"> <li>- Whether the courses are mandatory: Ontario has an adoption preparation training course called "Parent Resources for Information, Development and Education" (PRIDE), which is mandatory for all adoption applicants.</li> <li>- At what stage of the adoption procedure they are offered: The course is taken during the homestudy assessment period and completed prior to the end of the homestudy assessment process.</li> <li>- Who provides the courses: PRIDE training is delivered by an adoption practitioner who has been authorised as a PRIDE trainer and an adoptive or foster parent who is a co-trainer.</li> <li>- Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): PRIDE training is offered in a small group setting and also online.</li> <li>- Whether they are provided "in person" or electronically: PRIDE training must be completed in person and also online.</li> <li>- How many hours the courses last: PRIDE training requires 27 hours for completion.</li> <li>- The content of the courses: PRIDE covers topics such as attachment, grief and loss, child development, abuse, neglect, institutionalization, cultural and racial identity, discipline, child welfare and adoption legislation, adoption policies, various adoption types, the importance of permanency, continuity and connections for a child, openness in adoption, and the unique aspects of parenting in adoption.</li> <li>- Whether there are specific courses for PAPs wishing to adopt a child with special needs: PRIDE is also designed to prepare applicants who wish to adopt a child with special needs.</li> <li>- Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: PRIDE provides general and not country specific adoption information. However, some licensed adoption agencies provide additional training to their clients that is country specific.</li> </ul> <p><input type="checkbox"/> No</p>
<p>b) Aside from any courses provided, what, if any, (other) counselling or preparation is provided to individual PAPs (<i>e.g.</i>, meeting with adoptive</p>	<p>Adoption practitioners offer a variety of additional counseling services to their clients, which PAPs may opt to accept.</p>

<p>parents, language and culture courses)?</p> <p>Please specify, in each case:</p> <p>(i) If it is mandatory for PAPs to use the service;</p> <p>(ii) Who provides the service; and</p> <p>(iii) At what stage in the adoption procedure the service is provided.</p>	<p>PAPs may opt to join adoption support groups or social groups for adoptive parents and their children who have completed adoptions generally, from a particular country or from a specific region of the world.</p> <p>Some adoption agencies offer or require their clients to take a preparatory course focused on adoptions from a particular country.</p>
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## **PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE**

<b>16. Applications</b>	
<p>a) To which authority / body should PAPs apply for an intercountry adoption?</p>	<p>PAPs should apply to adopt through a licensed adoption agency.</p>

<p>b) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:<sup>16</sup></p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority</p> <p><input type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15)</p> <p><input type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):</p> <p><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): Where required by the State of origin.</p> <p><input type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required):</p> <p><input type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain Note that although all the documentation as specified in the responses to questions 14.1 and 14.2 are considered and reviewed by the OCA, it does not receive or review the final dossier sent to the State of origin. It is the role of the licensed adoption agency to submit a complete dossier to the sending country, including any additional documentation that may be specifically required by that State.</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?<sup>17</sup></p>	<p><input checked="" type="checkbox"/> Yes, please specify at which stage(s) of the procedure an accredited body must be involved (e.g., for the preparation of the home study, for the submission of the adoption file to the State of origin, for all stages of the procedure): Prior to leaving Ontario for the purpose of initiating or completing an intercountry adoption, residents of Ontario are required to: complete a homestudy assessment through an adoption practitioner, work with a licensed adoption agency that is authorized to facilitate adoptions from the country from which they wish to adopt,</p>

<sup>16</sup> Please remember that a specific State of origin may have other / additional requirements concerning the documentation that must be submitted to it. A list of documents required by the specific State of origin can be found in the State of origin's Country Profile.

<sup>17</sup> See GGP No 1, *supra*, note 13, paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention.



	<p>and receive approval from the Director of the OCA to adopt.</p> <p>Once the PAPs are approved to adopt, the licensed adoption agency may submit a dossier to the foreign adoption authority for consideration of a child match. If a match is made, the licensee receives the child proposal documentation and shares this with the adoption practitioner who completed the assessment for the applicants. The adoption practitioner presents the proposal to the applicants and prepares the consent or refusal of the child proposal to the OCA for review and approval.</p> <p>Once the proposal is approved by the OCA, the licensee facilitates the finalization of the adoption in the sending country, ensures the safe transfer of the child in the company of the PAPs to Ontario, and manages the submission of post adoption reporting.</p> <p><input type="checkbox"/> No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure:</p>
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption):</p> <p><input checked="" type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input checked="" type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>

<p><b>17. The report on the PAPs (Arts 5 a) and 15(1))</b></p>	
<p>a) Which body(ies) / expert(s) prepare the report on the PAPs?</p> <p>Please include all those involved with the preparation of any of the documents which are included within such a report.</p>	<p>Please refer to the response to question 14.2.</p>
<p>b) Is a "standard form" used for the report on the PAPs in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy: SAFE homestudy assessment</p> <p><input type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which must be included in the report on the PAPs and / or the documentation which must be attached to it:</p>

c) For how long is the report on the PAPs valid in your State?	2 years
d) Who is responsible in your State for renewing the report on the PAPs if the period of validity expires before the intercountry adoption is completed and what is the procedure for renewal?	The adoption practitioner must complete the homestudy update and must provide a copy to the licensee. The licensee is responsible for submitting the homestudy update to the OCA. If approved, the applicants' approval to adopt is renewed for two years. Please refer to the response to questions 14.1 and 14.2 for more information on the homestudy assessment process, which is the same upon renewal application.

### 18. Transmission of the PAPs' file to the State of origin

a) Who sends the finalised application file of the PAPs to the State of origin?	The licensee
b) If no accredited body is involved with the intercountry adoption application (see Question 16 c) above), who assists the PAPs with compiling and transmitting their application file?	<input checked="" type="checkbox"/> Not applicable – an accredited body will always be involved (see response to Question 16 c) above).

### 19. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17 a) and b))

#### 19.1 Receipt of the report on the child (Art. 16(2))

Which authority / body in your State receives the report on the child from the State of origin?	The licensee, who must subsequently forward it to the OCA when seeking approval of the applicants' consent or refusal of the proposed adoption.
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#### 19.2 Acceptance of the match

a) Does your State require that the matching be accepted by a competent authority in your State?	<input checked="" type="checkbox"/> Yes, please provide the following details: <ul style="list-style-type: none"> <li>- Which authority determines whether to accept the match (e.g., the Central Authority or another competent authority): The OCA must approve the match and issue the article 17 c) agreement per the Hague Convention requirements. and</li> <li>- The procedure which is followed (e.g., the report on the child is transmitted <u>first</u> to the competent authority to determine whether the match is accepted and only if this authority accepts the match is the report sent to the PAPs): Please refer to the response to question 16 c).</li> </ul> <p><b>Go to Question 19.2 b)</b></p> <input type="checkbox"/> No. Please explain the procedure which is followed once the authority / body referred to in Question 19.1 has received the report on the child from the State of origin:
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<b>Go to Question 19.2 c)</b>	
b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	A proposed child's profile must reasonably fit within the parameters of approval of the applicants to adopt, as specified in the OCA's Letter of Approval. The licensee is not authorized to permit the presentation of a child proposal that does not fall within the characteristics specified in the Letter of Approval.
c) Does your State impose any requirements on PAPs concerning the length of time they are given to decide whether to accept a match?	<input type="checkbox"/> Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify: <input checked="" type="checkbox"/> No, the requirements of the State of origin are determinative in this regard.
d) Do PAPs receive any kind of assistance from your State when deciding whether to accept a match?	<input checked="" type="checkbox"/> Yes – please specify what type of assistance is provided ( <i>e.g.</i> , counselling): The adoption practitioner must review the child profile in person with the applicants in their home. PAPs are encouraged to seek additional medical or other professional advice before they accept the proposal. <input type="checkbox"/> No

## 20. Agreement under Article 17 c)

a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	The Ontario Central Authority (OCA)
b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<input type="checkbox"/> Our State waits for the State of origin to provide its agreement first <b>OR</b> <input type="checkbox"/> Our State sends its agreement to the State of origin with a notice that the match has been accepted <b>OR</b> <input checked="" type="checkbox"/> Other (please specify): Depending on the requirements of the State of origin, the OCA either waits for the State of origin to provide its agreement first, or the OCA sends its agreement to the State of origin once a match has been accepted.

## 21. Travel of the PAPs to the State of origin<sup>18</sup>

a) Does your State impose any travel requirements / restrictions on PAPs in addition to those imposed by the State of origin?	<input checked="" type="checkbox"/> Yes, please specify the additional requirements / restrictions: The PAPs are not authorized to leave Ontario for the purposes of initiating or completing an intercountry adoption unless they first receive approval by the Director of the OCA to complete an intercountry adoption. <input type="checkbox"/> No
b) Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances?	<input checked="" type="checkbox"/> Yes, please specify in which circumstances: In the rare circumstance where PAPs are unable to travel with their child, the licensed adoption agency would be responsible for arranging for an approved

<sup>18</sup> See GGP No 1, *supra*, note 13, Chapter 7.4.10.

	<p>foreign representative or agency staff person to escort the child.</p> <p><input type="checkbox"/> No</p>
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<b>22. Authorisation for the child to enter and reside permanently (Arts 5 c) and 18)</b>	
a) Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State.	An adopted child who has been granted Canadian citizenship (see response to question 12 of Canada's main Country Profile) may enter and reside permanently in Canada. Otherwise, an adopted child may be authorized to enter and reside permanently if they are granted permanent residency under the federal Immigration and Refugee Protection Act and Immigration and Refugee Protection Regulations. See response to question 22 in Canada's main Country Profile.
b) Which documents are necessary for a child to be able to enter and reside permanently in your State (e.g., passport, visa)?	See response to question 22(b) in Canada's main Country Profile.
c) Which of the documents listed in response to Question 0 b) above must be issued by your State? Please indicate which public / competent authority is responsible for issuing each document.	See response to questions 22(c) in Canada's main Country Profile.
d) Once the child has arrived in your State, what is the procedure, if any, to notify the Central Authority or accredited body of his / her arrival?	The licensee notifies the OCA of the child's arrival in Canada.

<b>23. Final adoption decision and the Article 23 certificate</b>	
a) If the final adoption decision is made in your State, which competent authority: (i) Makes the final adoption decision; and (ii) Issues the certificate under Article 23?  <i><b>N.B.</b> According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification to a designation) should be notified to the depositary of the Convention. The answer to (ii) above should therefore be available on the <a href="#">Status Table</a> for the 1993 Convention (under "Authorities"), available on the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website.</i>	(i) An Ontario court decides whether to make an adoption order for the child, upon application by the prospective adoptive parents. The court would consider the statement made by the OCA as to whether the proposed adoption is in the child's best interest.  (ii) The OCA
b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?  See GGP No 1 – Annex 7.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c) Please briefly describe the procedure for issuing the Article 23 certificate.	Where applicable, the certificate is prepared and sent to the licensee to be delivered to the PAPs and the Central Authority of the

<p><i>E.g.</i>, how long does it take to issue the certificate? Is a copy of the certificate always given to the PAs? Is a copy sent to the Central Authority in the State of origin?</p>	<p>State of origin or is sent directly to the State of origin with a copy to the licensee and PAs.</p>
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d) In cases in which the Article 23 certificate is issued in the State of origin, which authority or body in your State should receive a copy of this certificate?	The licensed adoption agency and the OCA.
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## PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

<b>24. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")</b>	
a) Please explain the circumstances in which an intercountry adoption will be classified as an "intra-family intercountry adoption" in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.	Intercountry adoptions completed in the State of origin are subject to Ontario's Intercountry Adoption Act, 1998 (IAA). There is no distinction between relative intercountry adoptions and other intercountry adoptions under the IAA.  All intercountry adoptions completed in Ontario are subject to the Child, Youth and Family Services Act, 2017 (CYFSA). There is no distinction between relative intercountry adoptions and other intercountry adoptions finalized under the CYFSA.
b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?  <i><b>N.B.</b> If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, <b>the Convention is applicable</b>, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i>	<input checked="" type="checkbox"/> Yes – <b>go to Question 25</b> <input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: <b>Go to Question 25</b> <input type="checkbox"/> No – <b>go to Question 24 c)</b>
c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to:  (i) The counselling and preparations which PAPs must undergo in your State; (ii) The preparation of the child for the adoption; (iii) The report on the PAPs; and (iv) The report on the child.	(i) (ii) (iii) (iv)

## PART VIII: SIMPLE AND FULL ADOPTION<sup>19</sup>

<b>25. Simple and full adoption</b>	
a) Is "full" adoption permitted in your State?  <i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In certain circumstances only – please specify:

<sup>19</sup> According to the 1993 Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1, *supra*, note 13, Chapter 8.8.8.

	<input type="checkbox"/> Other (please explain):
<p>b) Is "simple" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i></p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In certain circumstances only (e.g., for intra-family adoptions only) – please specify: <input type="checkbox"/> Other (please explain):
<p>c) Does the law in your State permit "simple" adoptions to be converted into "full" adoptions in accordance with Article 27 of the 1993 Convention?</p> <p><i>See Art. 27(1) a).</i></p>	<input type="checkbox"/> Yes – please provide details of how this is undertaken and please specify whether this is done on a regular basis when a State of origin grants a "simple" adoption or only in specific cases: <input checked="" type="checkbox"/> No – <b>go to Question 26</b>
<p>d) If conversion of a "simple" adoption into a "full" adoption is sought in your State following an intercountry adoption, how does your State ensure that the consents referred to in Article 4 c) and d) of the 1993 Convention have been given in the State of origin to a "full" adoption (as required by Art. 27(1) b))?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	
<p>e) Following a conversion in your State, please explain which authority is responsible for issuing the Article 23 certificate in relation to the conversion decision. Please also explain the procedure which is followed.</p>	<input type="checkbox"/> The competent authority and the procedure is the same as stated in response to Question 23 above. <input type="checkbox"/> Other (please specify):

## PART IX: POST-ADOPTION MATTERS

<b>26. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child</b>	
<p>a) Which authority in your State is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	<p>Office of the Registrar General, Ministry of Government and Consumer Services – disclosure of original birth registrations, registered adoption orders and substituted birth registrations (Post Adoption Birth Information) to adopted adults and birth parents named on Ontario birth registrations.</p> <p>Ministry of Children, Community and Social Services (MCCSS) – access to post-adoption information held by MCCSS through the Post Adoption Disclosure Unit.</p>
<p>b) For how long is the information concerning the child's origins preserved?</p>	<p>Original birth registrations of adopted persons, if the birth was registered in Ontario, and Adoption Orders registered in Ontario are retained by the Office of the Registrar General for 99 years and transferred to the Archives thereafter. Information in adoption records held by MCCSS is preserved indefinitely.</p>
<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or</p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: Note that an intercountry adoption can be registered in Ontario if it is either:</p> <p>1) An intercountry adoption of a child born in Ontario and adopted by residents in another country, and a certified copy of the order, judgment or decree of the adoption made</p>



<p>information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parent(s);</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other person(s)?</p> <p>If so, are there any criteria which must be met for access to be granted (e.g., age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9 a) and c) and Art. 30.</i></p>	<p>by a foreign state has been sent to the Office of the Registrar General for registration in Ontario; or</p> <p>2) An intercountry adoption of a child born outside Canada who is adopted by Ontario residents and the adoption is finalized in Ontario.</p> <p>For intercountry adoptions registered in Ontario, adopted persons 18 or older (adopted adults) may request the following from the Office of the Registrar General:</p> <ul style="list-style-type: none"> <li>- A copy of the registered Adoption Order and an uncertified copy of the original birth registration, if the birth occurred and was registered in Ontario. Adopted adults are entitled to the Post Adoption Birth Information held by the Office of the Registrar General, provided a disclosure veto does not prevent information from being disclosed.</li> </ul> <p>For intercountry adoptions registered in Ontario, adopted persons 18 or older (adopted adults) may request the following from the Post Adoption Disclosure Unit (MCCSS):</p> <ul style="list-style-type: none"> <li>- To be added to the Adoption Disclosure Register. If both the adopted adult and an eligible birth family member are named on the Adoption Disclosure Register, they can receive each other's contact information.</li> </ul> <p>For intercountry adoptions registered in Ontario, adopted persons 18 or older, or with the consent of an adoptive parent or person with custody, may make a request to the Post Adoption Disclosure Unit for a search to be conducted for a birth family member where there is a need for information related to a severe medical illness.</p> <p>For all intercountry adoptions involving Ontario as either a receiving or sending state, adopted persons 18 or older, or with the written consent of an adoptive parent, may request non-identifying information related to the adoption from the Post Adoption Disclosure Unit.</p> <p>Additional information on access to adoption information can be obtained on the website of ServiceOntario at:  <a href="https://www.ontario.ca/page/search-adoption-records">https://www.ontario.ca/page/search-adoption-records</a>, or  on the ministry's website at:  <a href="https://www.mcass.gov.on.ca/en/mcass/about/standards_ssb.asp">https://www.mcass.gov.on.ca/en/mcass/about/standards_ssb.asp</a>  x</p> <p><input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: For intercountry adoptions finalized in Ontario, the adoptive parents would receive the original adoption order from the Ontario court at the time of the adoption.</p> <p>The adoptive parents may also request a redacted version of the adoption order that does not include information that may reveal the identity of the birth parent from the Post Adoption Disclosure Unit.</p> <p>For all intercountry adoptions involving Ontario as either a receiving or sending state, adoptive parents may request non-identifying information related to the adoption from the Post Adoption Disclosure Unit.</p> <p><input type="checkbox"/> No</p>
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	<p>(iii) <input checked="" type="checkbox"/> Yes – please explain any criteria: For intercountry adoptions registered in Ontario where the child’s birth occurred and is registered in Ontario, birth parents named on the birth registration where the adopted person is 19 or older may request the following from the Office of the Registrar General:</p> <ul style="list-style-type: none"> <li>- A copy of the registered Adoption Order, an uncertified copy of the original birth registration, and an uncertified copy of a substituted birth registration, if any. Birth parents are entitled to the Post Adoption Birth Information held by the Office of the Registrar General provided a disclosure veto that applies to the parent has not been filed by the adopted adult preventing their information from being disclosed.</li> </ul> <p>For intercountry adoptions registered in Ontario where the child’s birth occurred and is registered outside of Ontario, birth parents cannot obtain a copy of the original birth registration or adoption order from Ontario. The Office of the Registrar General would not have a copy of the original birth registration and would not be able to determine whether they were a birth parent.</p> <p>For intercountry adoptions registered in Ontario, a birth family member may request from the Post Adoption Disclosure Unit:</p> <ul style="list-style-type: none"> <li>- To be added to the Adoption Disclosure Register. If both the adopted person and birth family member are named on the Adoption Disclosure Register, they can receive each other’s contact information.</li> <li>- A search to be conducted for the adopted person or descendant of the adopted person where there is a need for information related to a severe medical illness.</li> </ul> <p>For all intercountry adoptions involving Ontario as either a receiving or sending state, certain birth family members may request non-identifying information relating to the adoption from the Post Adoption Disclosure Unit.</p> <p><input checked="" type="checkbox"/> No</p> <p>(iv) <input checked="" type="checkbox"/> Yes – please explain any criteria: A child, 18 or older, of a deceased person who was either an Ontario child adopted outside of Canada or a child from outside Canada adopted by Ontario residents may request non-identifying information related to the adoption from the Post Adoption Disclosure Unit.</p> <p>The descendant of an adopted person whose intercountry adoption was registered in Ontario may ask the Post Adoption Disclosure Unit to conduct a search for a birth family member where there is a need for information related to a severe medical illness.</p> <p>For intercountry adoptions registered in Ontario, Ontario’s Public Guardian and Trustee or estate trustee on behalf of the adopted person or birth family member of the adopted person may make a request to the Post Adoption Disclosure Unit for a copy of the adoption order or for information contained in the adoption order, to determine entitlement of</p>
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	<p>the adopted person to inheritance from an estate. Information that may identify the adopted person is removed if the request is made on behalf of a birth family member, and information that may identify the birth parent is removed if the request is made on behalf of an adopted person.</p> <p><input type="checkbox"/> No</p>
d) Where access to such information is provided, is any counselling or other guidance / support given in your State?	<p><input type="checkbox"/> Yes – please specify: Private arrangements with professionals can be made as needed</p> <p><input checked="" type="checkbox"/> No</p>
e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (e.g., regarding making contact with his / her biological family, tracing extended family)?	<p><input type="checkbox"/> Yes – please specify:</p> <p><input type="checkbox"/> No</p>

## 27. Post-adoption reports

a) Absent specific requirements of the State of origin in this regard, who is responsible in your State for <i>writing</i> post-adoption reports and <i>sending</i> such reports to the State of origin?	Adoption practitioners are responsible for writing post-adoption reports, while licensees are responsible for submitting them to the State of origin.
b) Absent any specific requirements of the State of origin in this regard, is there a model form which is used by your State for post-adoption reports?	<p><input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (e.g., provide a link or attach a copy):</p> <p><input checked="" type="checkbox"/> No – in which case, please specify the content expected by <i>your</i> State in a post-adoption report (e.g., medical information, information about the child’s development, schooling): There are no legislative requirements in Ontario for the provision of post adoption reporting and the OCA is not involved. Adoption agencies are responsible for the provision of post adoption reports, in accordance with the laws of the State of origin. Adoption agencies consult with adoption practitioners as to what information should be provided in such reports.</p>
c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?	The licensee is responsible for timely submission of post-adoption reports to the State of origin.

## 28. Post-adoption services and support (Art. 9 c))

<p>Apart from the matters raised in Question 26 above, what, if any, post-adoption services and support is / are provided by your State to the child and / or PAPs following completion of an intercountry adoption (e.g., counselling, support to preserve cultural links)?</p> <p>In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children.</p>	<p>A variety of post-adoption supports, including supports in case of special needs children, are available to families through counseling, adoptive parent support groups, webinars, peer counseling, cultural and social groups targeted to meeting the needs of adoptive families, etc. In addition, adoptive families are encouraged to contact their adoption practitioner for further counseling and assistance with adoption issues on a fee for service basis.</p>
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## PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION<sup>20</sup>

**Receiving States are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the [Intercountry Adoption Section of the Hague Conference website](#).**

<b>29. The costs<sup>21</sup> of intercountry adoption</b>	
a) Are the costs of intercountry adoption regulated by law in your State?	<input checked="" type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework: Ontario's Intercountry Adoption Act, 1998 regulation 200/99 specifies the services for which the licensee may charge fees, and the types of expenses that are authorized. However, the regulation does not specify the costs associated with those services. <a href="https://www.ontario.ca/laws/regulation/990200">https://www.ontario.ca/laws/regulation/990200</a> <input type="checkbox"/> No
b) Does your State monitor the payment of the costs of intercountry adoption?	<input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: The OCA requires licensed agencies to keep records of all fees and disbursements made on behalf of their clients. This must be submitted to the OCA upon request. Licensed agencies are also required to provide to the OCA a detailed schedule of fees and services, including the fees paid by accredited agency for travel arrangements for the PAPs to and from the State of origin. <input type="checkbox"/> No
c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 16 c) above) or directly by the PAPs themselves?  <i>See the "Note on the financial aspects of intercountry adoption" at para. 86.</i>	<input checked="" type="checkbox"/> Through the accredited body: Costs associated with the facilitation of intercountry adoptions are paid by PAPs through the licensed agency. <input checked="" type="checkbox"/> Directly by the PAPs: Costs associated with the preparation of a homestudy assessment and PRIDE training are paid by PAPs directly to the adoption practitioner. <input type="checkbox"/> Other (please explain):
d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?  <i>See the "Note on the financial aspects of intercountry adoption" at para. 85.</i>	<input type="checkbox"/> Only by bank transfer: <input type="checkbox"/> In cash: <input checked="" type="checkbox"/> Other (please explain): Accredited agencies accept certified cheques, money orders or credit cards.
e) Which body / authority in your State receives the payments?	See response to question 29 c).

<sup>20</sup> See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website: i.e., the *Terminology adopted by the Experts' Group on the financial aspects of intercountry adoption* ("Terminology"), the *Note on the financial aspects of intercountry adoption* ("Note"), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

<sup>21</sup> See the definition of "costs" provided in the harmonised Terminology, *ibid*.

<p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?</p> <p><b><i>N.B.</i></b> Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: The schedule of fees and services is available to PAPs through the agency's website or a brochure.</p> <p><input type="checkbox"/> No</p>
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<b>30. Contributions, co-operation projects and donations<sup>22</sup></b>	
<p>a) Does your State permit contributions<sup>23</sup> to be paid (either through your State's Central Authority or a national accredited body) to a State of origin in order to engage in intercountry adoption with that State?</p> <p><i>For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> <li>- What type of contribution is permitted by your State: Contributions that are mandatory and regulated by the sending country's Central Authority are permitted.</li> <li>- Who is permitted to pay it (<i>i.e.</i>, the Central Authority or a national accredited body): The licensee</li> <li>- How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: Ontario does not authorize contributions that are not regulated by the foreign authorities. PAPs may not provide contributions to an orphanage that may be connected to an adoption by the PAPs. PAPs may make voluntary contributions through their licensee, only after the adoption has been completed and the child has arrived in Canada with her or his adoptive parents.</li> </ul> <p><input type="checkbox"/> No</p>
<p>b) Does your State undertake (either through the Central Authority or national accredited bodies) co-operation projects in any States of origin?</p>	<p><input type="checkbox"/> Yes - please explain:</p> <ul style="list-style-type: none"> <li>- What type of co-operation projects are permitted by your State:</li> <li>- Who undertakes such projects (<i>i.e.</i>, the Central Authority and / or national accredited bodies):</li> <li>- Whether such projects are mandatory according to the law of your State:</li> <li>- Whether such projects are monitored by an authority / body in your State:</li> <li>- How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <p><input checked="" type="checkbox"/> No</p>
<p>c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to orphanages, institutions or birth families in the State of origin?</p>	<p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> <li>- To whom donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): Donations may be made where the laws of the State</li> </ul>

<sup>22</sup> See the definitions of these terms provided in the harmonised Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 20.

<sup>23</sup> See further the harmonised Terminology, *supra*, note 20, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children's institutions (*e.g.*, for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of "highly recommended contribution", but in practice it is "mandatory" for the PAPs in the sense that their application will not proceed if the payment is not made.

<p><b>N.B. This is <u>not</u> recommended as a good practice:</b> see further the "Note on the financial aspects of intercountry adoption" at Chapter 6 (in particular, Chapter 6.4).</p>	<p>of origin require a specific mandatory donation be made as part of the intercountry adoption process. The licensee must provide a copy of the laws which specify the requirement and confirm, upon request of the OCA, proof of all donations made.</p> <ul style="list-style-type: none"> <li>- What donations are intended to be used for: Mandatory donations are made to the foreign authorities, as required by the foreign Central Authority. How the donation is used is difficult to ascertain.</li> <li>- Who is permitted to pay donations (e.g., only accredited bodies or also PAPs): Mandatory donations required by sending countries must be paid only through the licensee.</li> <li>- At what stage of the intercountry adoption procedure donations are permitted to be paid: Mandatory donations may be paid through the licensed agency according to the requirements of the State of origin. Voluntary donations may be paid through the licensee only after the adoption has been completed.</li> <li>- How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure: Unfortunately, without the assistance of the Central Authority of the State of origin, this is very difficult to ensure.</li> </ul> <p><input type="checkbox"/> No</p>
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<b>31. Improper financial or other gain (Arts 8 and 32)</b>	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	The OCA as well as licensed agencies.
b) What measures have been taken in your State to prevent improper financial or other gain?	Licensed agencies are required to submit to the OCA, on an annual basis, records of their financial activities. Licensed agencies are also required to report to the OCA any illicit activities and improper payments made in connection with intercountry adoptions.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Ontario legislation provides that it is an offence to give or receive a payment in connection with an intercountry adoption or proposed intercountry adoption except for authorized expenses. The offence is punishable by a fine of up to \$25,000 and/or three years imprisonment.



**PART XI: ILLICIT PRACTICES<sup>24</sup>**

<b>32. Response to illicit practices in general</b>	
Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. <sup>25</sup>	See Canada's main Country Profile.

<b>33. The abduction, sale of and traffic in children</b>	
a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your intercountry adoption programmes.  Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).	See Canada's main Country Profile.
b) Please explain how your State monitors respect for the above laws.	See Canada's main Country Profile.
c) If these laws are breached, what sanctions may be applied? (e.g., imprisonment, fine, withdrawal of accreditation.)	See Canada's main Country Profile.

<sup>24</sup> "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*, available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) >).

<sup>25</sup> *Ibid.*

### 34. Private and / or independent adoptions

Are private and / or independent adoptions permitted in your State?

**N.B.** "Independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.

Please tick all which apply.

- Private adoptions are permitted – please explain how this term is defined in your State:
- Independent adoptions are permitted - please explain how this term is defined in your State:
- Neither private nor independent adoptions are permitted.

## PART XII: INTERNATIONAL MOBILITY

### 35. The scope of the 1993 Convention (Art. 2)

a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in another Contracting State to the 1993 Convention, are they permitted to do so under the law of your State?

*Example: Indian PAPs are habitually resident in the USA and wish to adopt a child habitually resident in India.*

- Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State<sup>26</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: Ontario's legislation requires that PAPs be habitual residents of Ontario.

This would be treated as an intercountry adoption in Ontario. The foreign national PAP who is habitually resident in Ontario would need to go through Ontario's intercountry adoption process and requirements to adopt a child from another country. In addition, the foreign national PAP would need to ensure that they could bring their adopted child or child that they intend to adopt into Canada to reside permanently through meeting Canadian immigration requirements. This would mean that the foreign national PAP would either need to be a Canadian citizen or a permanent resident of Canada.

No

b) If foreign national PAPs, habitually resident in your State, wish to adopt a child also habitually resident in your State, are they permitted to do so under the law of your State?

*Example: Indian PAPs are habitually resident in the USA and wish to adopt a child also habitually resident in the USA.*

- Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State<sup>27</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: Foreign PAPs habitually residents in Ontario may adopt an Ontario child through domestic adoption, if determined to be eligible and suitable to adopt. PAPs must continue to habitually reside in Ontario during the entire adoption process until the adoption is finalized through the Ontario court.

No

<sup>26</sup> According to the 1993 Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child. The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

<sup>27</sup> According to the 1993 Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

<p>c) If a State of origin treats an adoption by PAPs habitually resident in your State as a <i>domestic</i> adoption when, in fact, it should be processed as an intercountry adoption under the 1993 Convention, how does your State deal with this situation?</p> <p><i>Example: PAPs who are nationals of State X habitually reside in your State. They wish to adopt a child from State X. Due to their nationality, the PAPs are able to adopt a child in State X in a domestic adoption procedure (in breach of the 1993 Convention). They then seek to bring the child back to your State.</i></p>	<p>The OCA will determine whether PAPs habitually resident in Ontario willfully contravened Ontario's intercountry adoption requirements. If a wilful contravention did not occur, the OCA will contact authorities in the State of origin to determine whether they would consider "healing" the process by trying to bring the adoption into compliance with the Hague Convention requirements retrospectively.</p>
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## PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION<sup>28</sup>

<b>36. Selection of partners</b>	
<p>a) With which States of origin does your State currently partner on intercountry adoption?</p>	<p>Ontario's 11 licensed and accredited agencies are authorized to facilitate adoptions from the following countries: Albania, Bulgaria, Kazakhstan, Romania, Ukraine, USA, Guyana, India, Jamaica, Philippines, Sri Lanka, St. Vincent and the Grenadines, Lithuania, Serbia, Haiti, Nigeria, South Africa, Honduras, Vietnam, South Korea, Thailand, and Zambia.</p>
<p>b) How does your State determine with which States of origin it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention.</p> <p><i>To see which States are Contracting States to the 1993 Convention, please refer to the <a href="#">Status Table</a> for the 1993 Convention (accessible via the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i></p>	<p>The licensed agency must submit an application for a licence to the OCA, for its review and approval or refusal. The OCA will consider, among other things, whether the State of origin has: reliable intercountry adoption processes, whether the laws of the State of origin protect children and prevent child trafficking and other improper activities, whether the proposed intercountry adoption process involves a rigorous child matching and child proposal process, and more.</p> <p>Ontario partners with both Contracting and Non-Contracting States of origin.</p>
<p>c) If your State also partners with <i>non-Contracting States</i>, please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases.<sup>29</sup></p>	<p>Ontario follows similar principles and safeguards for all intercountry adoptions involving Contracting and non-Contracting States. Ontario requires that: PAPs work with a licensed agency, required consents have been obtained where applicable, relevant adoption authority or an authorized orphanage in a sending country provided documentation confirming the child's availability for intercountry adoption, etc.</p> <p><input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.</p>

<sup>28</sup> In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2, *supra*, note 4, Chapter 3.5.

<sup>29</sup> See GGP No 1, *supra*, note 13, Chapter 10.3 regarding the fact that "[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions".

<p>d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (e.g., the conclusion of a formal agreement<sup>30</sup> with that State of origin)?</p>	<p><input checked="" type="checkbox"/> Yes – please explain the content of any agreements or other formalities:<sup>31</sup> Please refer to the responses to question 6.1. The OCA may communicate directly with the sending country's Central Authority regarding the adoption program and the requirements for foreign accreditation, where applicable.</p> <p><input type="checkbox"/> No</p>
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<sup>30</sup> See note 3 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention.

<sup>31</sup> *Ibid.*